

REMARKS

The present invention relates to certain antibiotics AC-98-1; AC-98-2; AC-98-3; AC-98-4 and AC-98-5 which are useful as antibacterials.

Claims 1-8 and 13-30 are pending in the application.

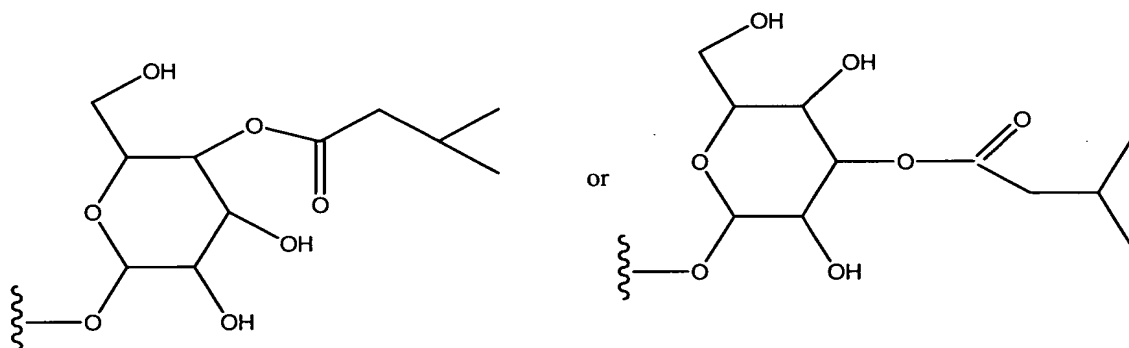
The Examiner has required a restriction under USC 121 to one of the following nine groups:

- I. Claims 1-2 and 4, drawn to a compound and a pharmaceutical composition-containing claim 2, classified in Class 530, subclass 317.
- II. Claim 3, drawn to a process of using a glycopeptide for treating bacterial infections, classified in Class 514, subclass 8.
- III. Claims 5, 6 and 8, drawn to a second glycopeptide compound and a pharmaceutical composition containing claim 6, classified in Class 530, subclass 317.
- IV. Claim 7, drawn to a process of using a second glycopeptide for treating bacterial infections, classified in Class 514, subclass 8.
- V. Claims 13, 14 and 16, drawn to a fourth glycopeptide compound and a pharmaceutical composition containing claim 14, classified in Class 530, subclass 317.
- VI. Claim 15, drawn to a process of using a fourth glycopeptide for treating bacterial infections, classified in Class 514, subclass 8.
- VII. Claims 17, 18 and 20, drawn to a fourth glycopeptide compound and a pharmaceutical composition containing claim 18, classified in Class 530, subclass 317.
- VIII. Claim 19, drawn to a process of using a fourth glycopeptide for treating bacterial infections, classified in Class 514, subclass 8.
- IX. Claims 21-30, drawn to a method of preparing substantially pure glycopeptide antibiotic compounds by cultivating a *Streptomyces hygroscopicus* strain, separating and isolating the pure compounds, classified in Class 435, subclass 71.3.

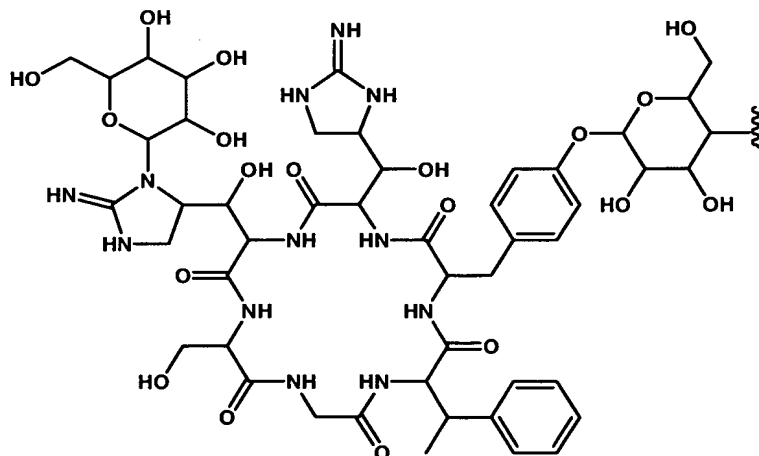
Applicants respectfully traverse the restriction requirement for the reasons provided below.

Applicants believe that the compounds share a common structural core and that the Groups may be combined without undue searching burden. Applicants believe that it is especially clear that Groups V and VII may be combined and Groups VI and VIII may also be combined without undue searching burdens on the Examiner.

In support of the applicants position, Groups V and VII are classified the same in Class 530, subclass 317. Groups VI and VIII are also classified the same in Class 514, subclass 8. Further, each of the Groups V and VII or Groups VI and VIII, have a common structural core and differ only as to the presence of the terminal isomer sugar moiety as follows:

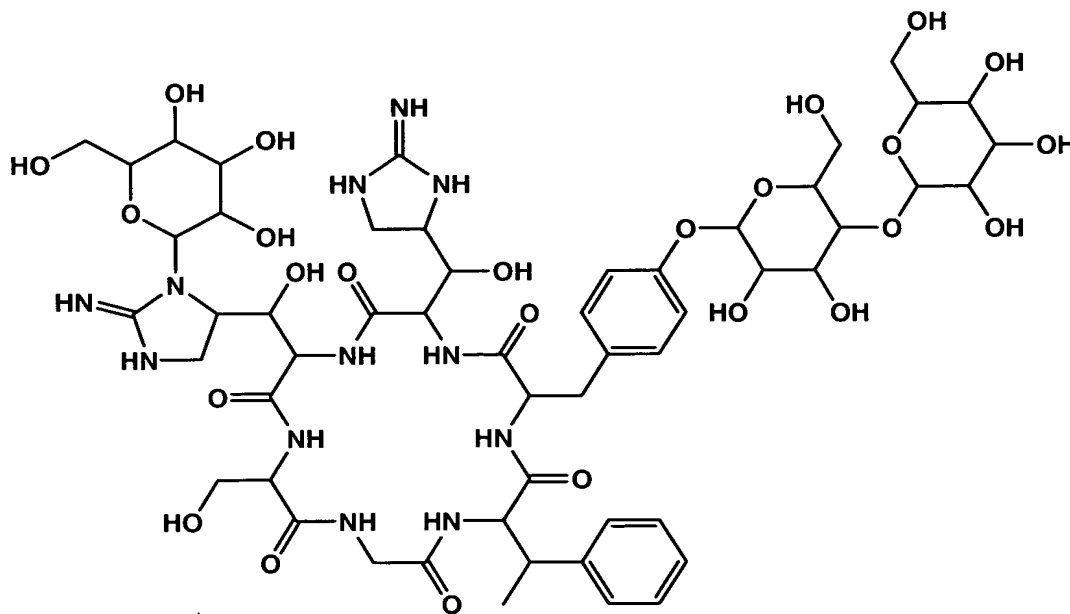


The common structural core is shown as:



Applicants respectfully request that Groups V and VII and Groups VI and VIII also be combined. It is the applicants view that the differences in the terminal isomer sugar moiety are insufficient to create the need for separate Groups which further necessitate an additional separate search. By combining Groups, as described above, a searching burden for the Examiner is removed. In fact, by combining Groups V and VII and combining Groups VI and VIII, applicants believe the Examiner will save time because a single search will only be necessary rather than two nearly duplicate searches. Applicants respectfully request that the Examiner reconsider the restriction and recombine Groups V and VII and Groups VI and VIII.

Nevertheless, for the advancement of prosecution the applicants provisionally elect Group I, claims 1-2 and 4. The species of claim 1 has the following structure



Applicants respectfully request that the Examiner reconsider the restriction requirement.

Applicants reserve the right to file divisional applications directed to the non-elected subject matter in the event the restriction is warranted.

Favorable treatment of the application is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel B. Moran". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Daniel B. Moran

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